

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 MICHAEL ATKINS,

11 Plaintiff,

12 v.

13 CATHI HARRIS, *et al.*,

14 Defendants.

No. C09-5625 BHS/KLS

ORDER REGARDING OBJECTION TO
NOTICE OF DEPOSITION

15 Before the court is Plaintiff's "Objection In-Part to Defendants Notice of Taking
16 Deposition Upon Oral Examination." Dkt. 21. According to Plaintiff, his deposition has been
17 scheduled by Defendants for April 19, 2010, which is a Friday. *Id.* Plaintiff states that he is
18 available any day but Friday due to Islamic religious practices. *Id.* Plaintiff did not file his
19 objection to the scheduling of his deposition until April 27, 2010. *Id.*, p. 2. He did not serve his
20 objection on counsel for Defendants and he did not include a certification that he, in good faith,
21 conferred or attempted to confer with the person or party failing to make the discovery in an
22 effort to secure the information or material without court intervention in accordance with Fed. R.
23 Civ. P. 37(a)(2)(B).
24

25 Pursuant to Fed. R. Civ. P. 26(c)(1)(B), a party may move for a protective order
26 specifying the time and place where the discovery shall occur. However, the motion must

1 include a certification that the movant has in good faith conferred or attempted to confer with the
2 other affected parties in an effort to resolve the dispute without court action. See *id.* The court
3 is confident that if the parties were to confer on this matter, an amicable solution may be reached
4 regarding the scheduling of Plaintiff's deposition.

5 Plaintiff is also advised that further filings with the court shall be in the form of a motion,
6 properly noted and served upon opposing counsel before the court will take action regarding the
7 filing.
8

9 Accordingly, it is **ORDERED**:

10 (1) Plaintiff's "objection" (Dkt. 21) is **denied at this time**. Plaintiff is free to re-file a
11 motion for protective order if attempts to confer on this issue with counsel for Defendants is not
12 successful.

13 (2) The Clerk of the Court shall send a copy of this Order to Plaintiff and to counsel
14 for Defendants.
15

16 DATED this 29th day of April, 2010.

17 
18 Karen L. Strombom
19 United States Magistrate Judge
20
21
22
23
24
25
26